

Docket No.: 33500-0  
File No.: 20590  
Client Ref:

PATENT

SECTOR 4



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
Garrison, et al.

Serial No.  
08/994,047

Filed: December 19, 1997

APPLICATIONS BRANCH

For: AN ELECTRONIC BILL PAYMENT SYSTEM WITH MERCHANT  
IDENTIFICATION

RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF APPLICATION AND  
PETITION TO RESTART DATE FOR RESPONSE

09/02/1998 MPEOPLES 00000062 120429 08994047

02 FC:101	790.00 OP
03 FC:105	130.00 OP
04 FC:107	154.00 OP
05 FC:102	94.00 OP
70.00 CH	

**BOX PATENT APPLICATION**  
Honorable Assistant Commissioner  
for Patents  
Washington, DC 20231

I hereby certify that this paper or fee is being deposited with the  
U.S. Postal Service as First Class Mail addressed to the Assistant  
Commissioner for Patents, Washington, D.C. 20231

August 26, 1998  
Signature

Sir:

In response to the Notice of Missing Parts of Application dated  
March 27, 1998, submitted are the following in connection with the  
above-referenced application:

1. Declaration and Power of Attorney (6 identical originals  
each signed by a respective one of the six inventors)
2. Statutory Basic filing fee of \$790.00
3. Late Filing Fee Surcharge of \$130.00
4. Additional Claims fee of \$318.00
5. Assignment (6 identical originals each signed by a  
respective one of the six inventors) and fee of \$40.00
6. Information Disclosure Statement and Associated PTO-1449
7. Petition to Restart the Time for Response to the Notice to  
File Missing Parts (set forth below) and fee of \$130.00

8. Conditionally, if the Petition to Restart the Time for Response is not granted, a Petition for Extension of Time (set forth below) and fee of \$950.00

PETITION TO RESTART THE TIME FOR RESPONSE

Submitted herewith is a copy of the "Office Copy" of the subject Notice To File Missing Parts of Application which was received from the U.S. Patent and Trademark Office by fax (from 703-308-2840) on August 21, 1998 (as evidenced by the date and time record at the top of the copy) responsive to a status inquiry made to the Customer Service Center. This was the initial receipt date of the Notice, the Notice having not been previously received through the U.S. Postal Service or in any other manner by the undersigned.

The subject application was one of a series of three related applications filed by hand on December 19, 1998. The Notices To File Missing Parts of Application for these other applications, i.e. U.S. Serial Nos. 08/994,046 (Attorney Docket No. 33500-002) and 08/994,363 (Attorney Docket No. 33500-003) were also received for the first time from the U.S. Patent and Trademark Office by fax (from 703-308-2840) on August 21, 1998 (as evidenced by the date and time record at the top of the courtesy copies of these Notices which are also enclosed herewith) responsive to the above mentioned status inquiry made to the Customer Service Center. These Notices were likewise never previously received through the U.S. Postal Service or in any other manner by the undersigned.

Each of the recently received fax Notices indicates the correct office address for the undersigned through July 24, 1998, except that the zip-code is incorrectly indicated as the result an inadvertent error in the zip-code indicated in the filed application documents. Since July 25, the undersigned has been a member of the firm of LALOS & KEEGAN, 1146 Nineteenth Street, N.W., Fifth Floor, Washington, D.C. 20036-3703.

We have been informed in a telecom between my assistant Ms. Lisa Daugherty and Ms. Nina Bailey of the Customer Service Center, that the Notice relating to the '363 application was in fact returned to the Patent Office by the U.S. Postal Service and was not subsequently re-forwarded to the undersigned's attention.

It is further our understanding based upon the aforementioned telecom that the time for response to the Notice relating to the '363 application will be restarted.

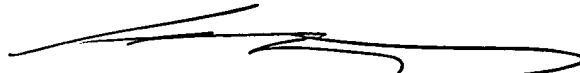
To the best of the undersigned's knowledge and believe, the following standard procedure was followed at the undersigned's office to which the subject Notice was addressed. All mail received from the Patent Office was promptly forwarded to the my secretary for docketing in the calendar docket (docketed by calendar date) and in the client dockets (docketed by client matter number). Upon completion of docketing, the correspondence was immediately combined with the applicable application file. No receipt of or response to the subject Notice had been docketed in the calendar and client dockets prior to the fax receipt of the subject Notice on August 21, 1998. Further, no original or copy of the subject Notice is filed within the relevant attorney patent application file. Moreover, during his period of residence, the undersigned routinely received all correspondence mailed by the Patent Office to the street address appearing on the subject Notice.

Based upon the above, the restarting of the response time for the subject Notice is hereby petitioned. In this regard, it is respectfully submitted that the undersigned has not responded to subject Notice in the originally prescribed two month period (i.e. on or before May 26, 1998) due the failure to receive the Notice in a timely manner via the U.S. Postal Service. It is further respectfully submitted that this failure to receive the Notice in a timely manner is the result of events and/or circumstances which were beyond the undersign's reasonable control. Accordingly, it is respectfully requested that this Petition to restart the response time for the subject Notice be granted, that the response time for the subject Notice be restarted as of the fax receipt date of August 21, 1998, and that no extension fees be required in connection with this filing.

A check is enclosed in the amount of \$1408.00 to cover the fees (excluding the Petition for Extension of Time Fee) indicated above. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 12-0429 and please credit any excess fees to such deposit account.

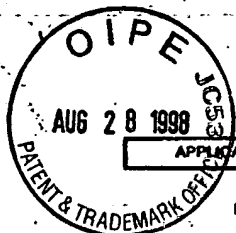
It is requested that the official filing receipt now be issued.

Respectfully submitted,  
LALOS & KEEGAN



Alfred A. Stadnicki  
Registration No. 30,226

1146 Nineteenth Street, N.W.  
Fifth Floor  
Washington, D.C. 20036-3703  
Telephone: 202-887-5555  
Fax: 202-296-1682  
AAS:  
enclosure  
Date: August 26, 1998



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
08/994,046	12/19/97	X	33500-00002

JENKENS & GILCHRIST  
SUITE 600  
1919 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20231

0262/0326

NOT ASSIGNED

DATE MAILED:

2761

03/26/98

### NOTICE TO FILE MISSING PARTS OF APPLICATION

Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☐ non-small entity is \$ 130.00

☐ 1. The statutory basic filing fee is:

- ☐ missing.  
☐ insufficient.

Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for \_\_\_\_\_ dependent claims over 20.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply.

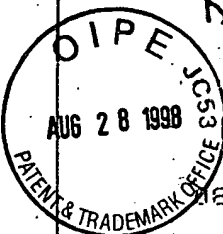
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

RE: SN 08/994363  
- SEND NEW NOTICE  
- SET NEW DATE



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NO./TITLE

08/994,363 12/19/97 STADNICKI

A 335 RECEIVED

APR 15 1998

NEW ADDRESS NEEDED

0362/0331

NOT ASSIGNED GROUP 2500

JENKENS & GILCHRIST  
1919 PENNSYLVANIA AVENUE NW  
SUITE 600  
WASHINGTON DC 20231

2514

DATE MAILED:

03/31/98

### NOTICE TO FILE MISSING PARTS OF APPLICATION

Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 1002.00.

☒ 1. The statutory basic filing fee is:

- ☐ missing.  
☐ insufficient.

Applicant must submit \$ 790.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. Additional claim fees of \$ 82.00, including any multiple dependent claim fees, are required.

\$ 82.00 for 1 independent claims over 3.

\$ \_\_\_\_\_ for \_\_\_\_\_ dependent claims over 20.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☐ 3. The oath or declaration:

- ☐ is missing or unexecuted.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

*[Signature]*

A copy of this notice **MUST** be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY/DOCKET NO./TITLE
08/994,047	12/19/97	NONE	N 33500-0000

JENKENS & GILCHRIST  
1919 PENNSYLVANIA AVENUE NW  
SUITE 600  
WASHINGTON DC 20231

0222/0327

0/1168

NOT ASSIGNED

2761

DATE MAILED:

03/27/98

### NOTICE TO FILE MISSING PARTS OF APPLICATION

#### Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☒ non-small entity is \$ 123.00

☒ 1. The statutory basic filing fee is:

- ☒ missing.  
☐ insufficient.

Applicant must submit \$ 790.- to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. Additional claim fees of \$ 318.-, including any multiple dependent claim fees, are required.

\$ 164.- for 2 independent claims over 3.

\$ 154.- for 7 dependent claims over 20.

\$          for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY